



December 12, 2016

To the Boston City Council:

The Surfrider Foundation is a nonprofit environmental organization dedicated to the enjoyment and protection of the world's ocean, waves and beaches through a powerful activist network. Our Massachusetts Chapter is active across several coastal issue areas, including protecting public beach access, advancing smart coastal preservation strategies, advocating for improved water quality and mitigating plastic marine debris. As a national organization whose mission is driven by volunteers working on coastal issues in their own backyards, we have considerable data and information to share from the successes of many plastic bag mitigation campaigns.

The Surfrider Foundation Massachusetts Chapter offers this letter of support for the proposed ordinance regarding the reduction of plastic bags in Boston, along with recommendations for strengthening the ordinance.

Many municipal ordinances have passed across the United States with the intent to ban or assess a fee for single-use plastic bags, allowing and often encouraging stores to provide reusable bags to their customers. In order to ensure that reusable bags are in fact durable enough to be reused multiple times (e.g. 125 or more times), many ordinances require that reusable bags be at least 2.25-mils thick.

However, as seen in Cambridge, Massachusetts, and many other areas across the nation, some packaging manufacturers and stores are taking advantage of this definition by providing plastic "reusable" bags that are thicker than 2.25-ml but are still used in a single-use manner. This action curtails the intents of the ordinances.

Hawaii has an ordinance that is currently based upon the 2.25ml thickness, but also allows stores to give away reusable bags with or without charge.¹ This has led to thicker bags being given away for free, and used in a single-use manner.

A similar result has occurred in Chicago.² As an example, Walmart has reportedly started giving away thicker plastic reusable bags in Chicago.³ The Chicago Sun Times reports that a chain store in Chicago sells reusable plastic bags for 10-cents, as well as more durable reusable bags for a higher

¹ See http://www.opala.org/solid_waste/archive/plastic_bag_ban.html & http://www.opala.org/solid_waste/pdfs/Article%209%20-%20Plastic%20Bag%20Ban.pdf at Sec. 9-9.2

² See <http://oururbantimes.com/news/chicagos-plastic-bag-ban-takes-effective-saturday-loophole-and-all>, and <http://chicago.suntimes.com/neil-steinberg/7/71/858136/plastic-bag-ban-chicago-unintended-consequences>

³ See, e.g., <http://www.chicagotribune.com/news/opinion/blog/ct-chicago-plastic-bag-ban-20150624-story.html>





cost.⁴ The article quotes a city Alderman as follows: "Really, providing the consumer the option of just another plastic bag is not what we intended to do," [Alderman George] Cardenas said. "Folks are just going around the intent of the law, keeping plastic bags in the waste stream." However, part of the problem is that, as in Hawaii, Chicago's ordinance doesn't require stores to charge for reusable bags.⁵ Alderman Moreno reportedly may introduce an amendment to close the loophole.⁶

The Surfrider Foundation applauds Councilor O'Malley for including in this draft ordinance a fee structure that would assess a charge for each checkout bag given at point of sale. A mandatory, minimum fee for reusable bags prevents the unintended consequence of stores and consumers treating thicker "reusable" bags as single-use bags. This structure also provides an incentive for shoppers to bring their own bags, and is essential for shifting the consumer paradigm away from single-use and into more sustainable habits of re-use.

It should be further noted that in the Austin, Texas ordinance, reusable plastic bags are defined as being at least 4-mils thick; however, simply increasing the thickness from 2.25-mil to 4-mil is proving not to be adequate as a standalone measure for preventing reusable bags from being used in a single-use capacity. As in Hawaii and Chicago, Austin's ordinance allows businesses to give reusable bags for free, which is promoting this single-use practice, circumventing the intents of the ordinance.⁷ Further, a city-commissioned study has found that many of the reusable bags – up to 4 million – have been found in the recycling stream, indicating that they are not in fact being reused.⁸ The assessment is available at <http://www.austintexas.gov/edims/document.cfm?id=232679> and some relevant portions include:

- "Indeed, the amount of single use plastic bags has been reduced, both in count and by weight. However, in their place, the larger 4 mil bags have replaced them as the go to standard when the reusable bag is left at home. This reusable plastic bag, along with the paper bag, has a very high carbon footprint compared to the single use bag." "The use of 4 mil reusable plastic bags also increases the overall plastic bag presence as a component of the recycling stream. Table 5 shows that while Austin had a much lower instance of bags per pound in relation to the comparative municipality, figures 3 and 4 show that the reusable bags make up 93% of the composition at Balcones and 90% at TDS."
- "[...] removing these bags from the recycling stream could potentially eliminate an additional 23 tons of plastic film from entering the MRF's [materials recovery facility] of Austin72. Based on the bag audits conducted at both TDS and Balcones for the City of Austin recycling stream, the removal of reusable plastic bags would be nearly equivalent to

⁴ See <http://chicago.suntimes.com/neil-steinberg/7/71/858136/plastic-bag-ban-chicago-unintended-consequences>

⁵ See http://www.cityofchicago.org/content/dam/city/depts/bacp/environmentdocs/articlexxiii_retailbaguse.pdf

⁶ See <http://www.timeout.com/chicago/blog/chicagos-plastic-bag-ban-is-so-far-a-bust-090115>

⁷ See Austin Municipal Code § 15.6.122(E)

https://www.municode.com/library/tx/austin/codes/code_of_ordinances?searchRequest=%7B%22searchText%22:%22plastic%20bags%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentType%22:%5B%22CODES%22%5D,%22productIds%22:%5B%5D%7D&nodeId=TIT15UTRE_CH15-6SOWASE_ART7CABA_S15-6-123EX

⁸ See, e.g., <http://kxan.com/2015/08/31/reusable-bags-not-fulfilling-purpose-in-austin/>, <http://cnsnews.com/news/article/emily-richards-austins-plastic-bag-ban-worse-environment-bags-it-outlaws>, and <http://www.bloombergview.com/articles/2015-08-18/how-a-ban-on-plastic-bags-can-go-wrong>





the amount of all of the single use bags removed from the recycling stream as a result of the ordinance implemented in 2013."

As evidenced by outcomes in Austin, Hawaii, and Chicago, it is imperative that reusable plastic bags only be allowed for a required minimum charge. We recommend that the Council maintain this section of the ordinance with specific amendments, provided below, and that the definition of *reusable bag* be amended to stipulate that reusable bags must be machine washable. This amendment to your definition would categorically squash attempts to contravene the intents of the ordinance, if passed, by disallowing thicker plastic bags that are proven to still be used in a single-use fashion and often to not meet standards for multiple use from being dispensed as reusable bags.

As such, we recommend that section g be amended, as follows:

g. "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness and is machine washable.

The Surfrider Foundation Massachusetts Chapter further recommends that to additionally incentivize the use of reusable bags over single-use bags and best protect the environment, that the following amendments be made:

- language calling for a mandatory, minimum fee of 5-cents per checkout bag be amended to instead establish a mandatory, uniform fee of 10-cents for recycled paper bags;
- omit the exemption for compostable bags, which are an imminent threat to marine life and do not compost in the marine environment nor in many landfill settings, as the proper environmental qualities for composting are often not met and indeed, from the point of littering to the point of degrading, significant threats to marine life are present; and finally,
- add a separate section calling for a mandatory, minimum fee of 10-cents per reusable bag.

As such, we recommend that section 17-19.3 *Requirements* be amended, as follows:

17-19.3 Requirements

- a. If any retail establishment provides a checkout bag to customers, the bag shall comply with the requirements of being a Reusable Bag, or a Recyclable Paper Bag, ~~or a Compostable Plastic Bag.~~
- b. A store that provides ~~any type of~~ a Recyclable Paper checkout bag shall sell them for ~~no less than~~ ten cents (\$0.10) per bag. All moneys collected pursuant to this





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ordinance shall be retained by the store.

- c. A store that provides a Reusable checkout bag shall sell them for no less than ten cents (\$0.10) per bag. All moneys collected pursuant to this ordinance shall be retained by the store.
- d. Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "checkout bag charge" thereon.
- e. The Chief of Environment, Energy and Open Space may promulgate rules and regulations to implement this section.

The Surfrider Foundation Massachusetts Chapter urges the Boston City Council to consider its requests for amending this bag ban ordinance to better ensure that intents and positive environmental impacts will result if passage manifests. Our chapter and the Surfrider Foundation's Northeast Regional Manager would be happy to provide further articulation on this testimony, should additional detail and edification be deemed appropriate and useful for consideration.

Thank you for your diligent work on this matter.

Sincerely,

A handwritten signature in black ink that reads "Kanti Chakrabarti".

Kanti Chakrabarti
Chair, Surfrider Foundation Massachusetts Chapter

A handwritten signature in black ink that reads "Melissa Gates".

Melissa Gates
Northeast Regional Manager, Surfrider Foundation

